

REMARKS

By an Office Action dated April 18, 2003 in the file of this application, the Patent and Trademark Office imposed a requirement of restriction on the claims of the above-identified application. In response to that requirement, the applicant respectfully responds by electing the claims of Group I, although the applicant traverses this response.

The applicant believes that the response should be reconsidered and withdrawn because the inventions are totally related. The claims in this application are not drawn to two different types of preparations of human embryonic stem cells. The claims are drawn to include language describing varying attributes of the same preparations of human embryonic stem cells. It is true that the claims in Group II do recite specific technical markers not recited in the claims of Group I, but this is a matter of discretionary claim construction by the applicant and does not represent any indication that the inventions are unrelated. A search of the subject matter of either group will inevitably involve the same mark as with regard to the other group. In addition, the claims in both the parental applications to this one, the applicants which resulted in US Patents No. 5,843,780 and No. 6,200,806, had claims corresponding generally in form to claims in both of the groups referenced above, and neither prior application was subject to a requirement for restriction such as this one.

Based on the foregoing, reconsideration of the merits of this requirement for restriction is respectfully requested.

The Information Disclosure Statement enclosed references the parent applications to this one so that, pursuant to 37 C.F.R. 98(d), the art cited in the file of those earlier cases can be considered by this Examiner.

Separately, the applicant has made some changes to the claims above to more closely represent the applicant's current thinking about the proper claims for this application.

A one month extension of time is submitted herewith so that this Response will be considered as timely filed. Please charge this fee and any other fee deemed to be due to Deposit Account No. 17-0055.

Respectfully submitted,



Nicholas J Seay

Reg. No. 27,386

Attorney for Applicant

QUARLES & BRADY LLP

P.O. Box 2113

Madison, WI 53701-2113

TEL (608) 251-5000
FAX (608) 251-9166

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